

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DESHANA MACK,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	NO.
)	
MARBELLA PLACE LP;)	
AMERICAN LANDMARK II, LLC;)	
ABC CORPS. #1-3, and JOHN DOES)	
#1-3,)	
)	
Defendants.)	
_____)	

NOTICE OF REMOVAL

Defendants Marbella Place LP and American Landmark II, LLC (“Defendants”), through counsel, hereby files their Notice of Removal of this case from the State Court of Gwinnett County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division. In support of this Notice, Defendant shows the following:

1.

Pursuant to 28 U.S.C. § 1331, the Court has jurisdiction over this case because there is complete diversity of citizenship between the Plaintiff and the defendants.

2.

Upon information and belief, Plaintiff Deshana Mack is a citizen of the State of Georgia.

3.

Defendant Marbella Place LP is a citizen of the State of Delaware.

4.

Defendant American Landmark II LLC is a citizen of the State of Delaware.

5.

On June 1, 2021, Plaintiff filed her Complaint in the State Court of Gwinnett County, styled *Deshana Mack v. Marbella Place LP, American Landmark II, LLC, ABC Corps. #1-3, and John Does #1-3*, Civil Action No. 21-C-04070-S2 (the “State Court Action”). (See Complaint and Summons, attached as Exhibit 1).

6.

In her Complaint, Plaintiff claims that she sustained bodily injuries as a result of a fall inside her apartment in Stockbridge, Georgia.

7.

The Plaintiff’s Complaint does not provide any details concerning the amount of damages sought. However, upon subsequent consultation between the attorneys, it is understood that diversity of parties exists and that the amount in controversy exceeds \$75,000.00. Consequently, diversity jurisdiction exists pursuant to 28 U.S.C. § 1332 (a).

8.

This Defendant was served with the Complaint by the Gwinnett County Sheriff's Office on June 7, 2021.

9.

All Defendants consent to this removal.

10.

Now, within thirty days of learning that the amount in controversy exceeds the required amount, Defendant removes this matter from the State Court of Gwinnett County, Georgia, to the United States District Court for the Northern District of Georgia – Atlanta Division.

11.

Pursuant to 28 U.S.C. § 1446 (d), Defendant certifies that it has notified all adverse parties of this Notice of Removal in the State Court Action by filing a “Notice of Filing Notice of Removal,” and attaching a copy of this “Notice of Removal” with the Clerk of the Gwinnett County State Court, Georgia, which will send notifications of the same to Plaintiff's Counsel and by mailing a copy to Plaintiff's Counsel via Certified Mail, Return Receipt Requested. (*See* Notice of Filing Notice of Removal, attached as Exhibit 2).

Thus Defendants respectfully request that the United States District Court for the Northern District of Georgia effectuate the removal of this case.

Respectfully submitted this 26th day of July, 2021.

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Attorneys for Defendant

Marbella Place, LP and American

Landmark II, LLC

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Notice of Removal was electronically filed with the Court using the E-File CM/ECF system, and served upon the following counsel of record via United States Postal Service to:

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Respectfully submitted this 26th day of July, 2021.

/s/ Michael P. Manfredi
Michael P. Manfredi